



Nez Perce

MAR 22 2000

## TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

March 17, 2000

Federal Caucus Comment Record  
c/o BPA-PL  
707 W. Main Street, Suite 500  
Spokane, WA 99201

**Re: All H Paper**

Dear Members of the Federal Caucus:

1 The federal government must consult with the Nez Perce Tribe directly on a government-to-government basis on all decisions that affect treaty-reserved resources which the United States has a trust responsibility to protect and enhance. This public comment process on the "all H paper" is not an appropriate forum for the United States and the Tribe to conduct business on these issues. We are submitting these brief comments on the "all H paper," and we have testified at the public hearings in Clarkston, Boise, and throughout the region, to remind the United States of its responsibilities and to educate and inform our neighbors of our position on the future of the salmon and the future of our people, our culture, our health, and our way of life.

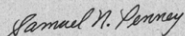
The Nez Perce Tribe believes that "all Hs" must include the important "H" of honor. We believe that the United States must honor its legal obligations arising from the Tribe's treaty rights and the United States' trust responsibility through binding, enforceable commitments that will rebuild the salmon runs to harvestable levels and that will fairly allocate the conservation burden.

Against this backdrop, we find it unconscionable that the United States has presented options in its "all H paper" without regard to whether they comply with the law.

The Nez Perce Tribe and the other Columbia River Treaty Tribes have had an "all H" plan for salmon recovery for years, *Wy-Kan-Ush-Mi, Wa-Kish-Wit (Spirit of the Salmon)*. Major passage improvements in the lower Snake River are required for the continued existence of the salmon that have returned to our homelands for tens of thousands of years. The Nez Perce Tribe supports breaching the four dams on the lower Snake River and making economic investments in local communities that would be affected by this decision. In the absence of breaching, it may require significant amounts of water from the upper Snake River. The United States and the Tribe are already pursuing to substantial claims to this water

based on the tribes' treaty rights, and absent a major change in the configuration of the Lower Snake River dams, the fish's need for this water will only increase. We reserve our right to present our full views on these and other issues during the course of our government-to-government consultations.

Sincerely yours,

A handwritten signature in cursive script, reading "Samuel N. Penney". The ink is dark and the signature is fluid, with a prominent loop at the end of the last name.

Samuel N. Penney, Chairman